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October 31, 2018

Rules and Open Government Committee
San José City Hall
200 E. Santa Clara St.
San José, CA 95113

RE: Legal Definition of Sex Under Title IX (Item I.C)

Dear Members of the Rules Committee:

I am writing in strong support of the Oct. 25, 2018, memorandum from Vice Mayor Magdalena Carrasco, which opposes federal efforts to establish a new legal definition of sex under Title IX, a change which would roll back rights and protections for members of San Jose's transgender community.

I am proud to have served on the San José City Council for eight years, and this city has continually chosen to take a stand on this critically important issue of equal rights, including denouncing anti-LGBTQ propaganda legislation and rhetoric by the Russian Federation and joining City of San Francisco's efforts to challenge the constitutionality of Proposition 8 in a landmark case, which was subsequently overturned by the U.S. Supreme Court in 2013.

Last week, the New York Times reported that the Trump Administration's Health and Human Services Department has drafted a memo that would define gender as being determined by genitals at birth under Title IX, an amendment to the Higher Education Act which bans discrimination on the basis of sex in education programs. This radical and drastic step by the Trump administration would essentially write the transgender community, an estimated 1.4 million Americans, out of legal existence should the standard be applied throughout the federal government.

The federal administration's recent attempt to roll back civil rights protections for the transgender community stands for nothing more than legalized discrimination, and I support the City's effort to take a proactive stance against these inhumane actions by the federal administration. I also support local actions to adopt appropriate policies to mitigate the impact of this policy change, including reaching out to members of the transgender community to identify opportunities for legal and administrative assistance.

While there is still more work to be done to ensure that members of the LGBTQ community across the nation are afforded the same rights as Californians, today, San José can continue to be a champion for equality and affirmatively stand on the right side of history.

Sincerely,

ASH KALRA

WORKING PARTNERSHIPS USA

October 30, 2018

Members of Rules Committee

Re: Item I.C: Legal Definition of Sex under Title IX

We are writing in support of the memorandum dated October 25, 2018 from Vice Mayor Carrasco opposing federal efforts to establish a new legal definition of sex under Title IX, a change which would roll back rights and protections for members of San Jose's transgender community. We further support efforts by the City of San Jose to adopt all appropriate policies to mitigate the impact of this policy change on residents and to reach out to members of the transgender community to identify opportunities for legal and administrative assistance.

According to an October 21, 2018 report by the New York Times, the Trump Administration's Health and Human Services Department has drafted a memo that would define gender as being determined by genitals at birth under Title IX, an amendment to the Higher Education Act which bans discrimination on the basis of sex in education programs. This radical and drastic step by the Trump administration would essentially write the transgender community, an estimated 1.4 million Americans, out of legal existence should the standard be applied throughout the federal government.

This position flies against numerous court decisions that have reaffirmed the rights of transgender individuals including *Whitaker v. Kenosha Unified School District*, *Macy v. Holder*, *CA Education Committee v. Jack O'Connell*, and *US v. George Toone*. These changes, if adopted by agencies that implement and enforce Title IX, would have wide-ranging negative impacts, according to LGBTQ+ advocacy organizations, making it harder for transgender people to obtain services, identification, or legal recognition.

When confronted policies targeting one of the most vulnerable groups in America, it is natural to respond in anger or despair over the extent to which the values of empathy, compassion and the rule of law have been diminished in Washington. But in San Jose and in Santa Clara County, where we are home to a vibrant LGBTQ+ community, we must respond with an ever greater commitment to diversity, to inclusion, and to openness. We must respond to these attacks with all legal and administrative tools at our disposal to protect our transgender neighbors, family members, coworkers, and friends. Our response to these policies must make it clear to our transgender community that we stand with them, that we love them, and that we will not allow them to be erased.

In Solidarity,

Jeffrey Buchanan
Director of Public Policy, Working Partnerships USA



Board of Directors
Rainbow Chamber of Commerce Silicon Valley

October 30, 2018

Honorable Mayor and City Council
San Jose City Hall
200 E. Santa Clara Street,
San Jose, CA

RE: Legal Definition of Sex and Gender Under Title IX

Established in 1999, the Rainbow Chamber of Commerce Silicon Valley represents over 100 LGBT and ally owned businesses, business owners, and professionals in the great San Jose-Silicon Valley area. Our mission is to create a vibrant LGBT-supportive business community through development, education, promotion and advocacy.

The Rainbow Chamber of Commerce was born of the need to protect, educate, and advocate for our local LGBT-owned businesses and LGBT professionals in Silicon Valley. Today, transgender Americans face special hardships, including dramatically higher levels of unemployment, poverty, homelessness, and harassment because of their gender identity and/or expression.

Despite this, the Trump administration in Washington has maliciously singled out these vulnerable members of our community for further indignities by trying to erase their public presence, legalize harassment against them, and force them back into the closet. Since taking office, President Trump has tried to purge them from the armed forces, deny them access to health care, deny them employment protections, and deny them equal access to educational benefits under Title IX. In the face of the New York Times' explosive revelations that DHS is leading yet another anti-trans campaign within the federal government, action is necessary.

Given these developments, we are heartened to see that our local officials are taking a stand to support us. We whole-heartedly endorse and support Vice Mayor Magdalena Carrasco's October 25th Memo calling for the City Council to pass a resolution opposing any changes that would erase transgender people. We encourage the City Council to act on this Memo without delay.

Sincerely,

~~Ron~~ Gardner, President
Rainbow Chamber of Commerce Silicon Valley



October 30, 2018

Mayor and City Council
200 E. Santa Clara St.
San Jose, CA 95113

RE: Support SJ resolution opposing any policy change that would roll back civil rights protections for the transgender community.

Dear San Jose Mayor and City Council,

SOMOS Mayfair believes that all human beings have a right to exist without fear, intimidation and oppression. Thus we support the City of San Jose's effort to protect the transgender community from the current's administration attempt to reverse federal civil rights protection for transgender people in education, employment and access to health care.

Title IX passed in 1972 and was written into law as follows:

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

The Trump administration along with the Department of Health and Human Services (HHS) are reportedly drafting new language to define sex under Title IX as "a biological, immutable condition determined by genitalia at birth." This new definition would essentially eradicate federal recognition of the estimated 1.4 million Americans who identify as Transgender.

In the past few years, there has been a significant rollback of rules protecting the Transgender community. This is another example of how traditionally marginalized communities have been under attack in this new administration.

SOMOS Mayfair applauds San Jose City Council for taking this into serious consideration as a step towards assuring the safety, inclusion and integration of all members of our society. We hope the council will take swift action and pass a resolution in support of our transgender community.

Thank you,

Camille Llanes-Fontanilla, Executive Director

October 31, 2018

Dear Mayor Liccardo, Vice Mayor Carrasco, and Councilmembers Davis, Khamis and Jones:

On behalf of the Bay Area Municipal Elections Committee (BAYMEC), I would like to express the organization's support for Vice Mayor Carrasco's memo defending the transgender and nonbinary communities of San Jose.

BAYMEC is a political action organization that has advocated for the civil rights of Lesbian, Gay, Bisexual and Transgender (LGBTQ) people since 1984 in San Mateo, Santa Clara, Santa Cruz and Monterey Counties.

We live in a tumultuous, frightening and uncertain political time. The President of the United States has openly attacked, derided and disdained the transgender community. He attempted to bar transgender service members, denigrating their contributions to our military and society. He now threatens, as the *New York Times* reported earlier this month, to "define out of existence" the transgender community in its entirety—and in so doing, repealing critical federal recognition and civil rights protections.

This has real-world consequences. These words and actions hurt real people. They hurt our community.

It is vital that our local elected officials voice their strong support for the LGBTQ community—and transgender and nonbinary people in particular—and their opposition to what this administration is doing. Thoroughly examining how a successfully implemented redefinition of gender at the federal level would impact San Jose residents, and taking proactive efforts to voice those impacts to the national government is the right way to proceed. We are especially heartened by the Vice Mayor's forward-looking invitation for the City of San Jose to join any Amicus Brief or support for federal legislation that would reverse any potential changes made by this administration.

We thank the Vice Mayor for her memo, and we thank the rest of the Rules and Open Government Committee members for your attention and leadership on this issue.

Sincerely,

Paul A. Escobar
President, BAYMEC
